



D. KENT HURN, CHAIRPERSON

K A N S A S
DEPARTMENT OF ADMINISTRATION
CIVIL SERVICE BOARD

KATHLEEN SEBELIUS,
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To: Jack Rickerson, Director, Division of Personnel Services
Mark S. Braun, Director, Office of Administrative Hearings
D. Kent Hurn, Chairman, Civil Service Board

From: Peggy Graham, Secretary, Civil Service Board

Date: January 15, 2004

Re: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the October 15, 2003 quarterly report:

A. Cases Decided and/or Disposed Of:

1. **Name Removed**, 2- day suspension *affirmed*
Osawatomie Correctional Facility
Correctional Officer I. *Appellant* repeatedly used profanity in the presence of other officers after being instructed that this was inappropriate behavior. In addition, *appellant* intentionally ignored and avoided a fellow officer which exacerbated an already hostile work environment. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
2. **Name Removed**, dismissal *withdrawn*
Kansas Department of Social and Rehabilitation Services
Economic Assistance Specialist II. *Appellant* was dismissed for receiving two unsatisfactory performance evaluations within 180 days. Half way through the hearing, the parties reached a settlement agreement and *appellant* withdrew his request for a hearing before the Board.
3. **Name Removed**, dismissal *withdrawn*
Topeka Juvenile Correctional Facility
Juvenile Correctional Officer II. *Appellant* was convicted of a prohibited crime which prevents her from being able to maintain security clearance at the facility. When specifically asked if she had been so convicted, she falsely answered that she had not.

The parties reached a settlement agreement prior to the hearing and the appeal was withdrawn.

4. **Name Removed**, 1-day suspension *withdrawn*
University of Kansas
Accounting Specialist. *Appellant* was given a 1-day suspension without pay due to excessive use of sick and vacation leave and tardiness. She withdrew her appeal prior to the scheduled hearing.
5. **Name Removed**, dismissal *affirmed*
Lansing Correctional Facility
Corrections Officer I. *Appellant* is a brittle diabetic and had four episodes in which his glucose levels dropped to the point that he became unresponsive. In those states, he was unable to perform his job duties and was unable to provide for his own safety or for the safety of other corrections officers and inmates. *Appellant* was dismissed without prejudice and was told that if he could gain control over his blood sugar levels that he was welcome back to employment with the facility. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
6. **Name Removed**, dismissal *withdrawn*
Kansas Neurological Institute
Mental Retardation Technician I. *Appellant* was repeatedly counseled and reprimanded for sleeping on duty. *Appellant* withdrew his appeal prior to the scheduled hearing.
7. **Name Removed**, 2-day suspension *withdrawn*
Kansas Department of Transportation
Engineer. *Appellant* failed to maintain a satisfactory and harmonious relationship with his fellow employees. He withdrew his appeal prior to the scheduled hearing.
8. **Name Removed**, dismissal *affirmed*
Kansas Department of Human Resources
Public Service Administrator I. *Appellant* supervised the new hires unit at KDHR. His unit was responsible for entering the data for new hires in Kansas into a database to allow for child support checks to be made to determine where absent parents may be working. During a nation wide teleconference in which *appellant's* unit was participating on behalf of the State of Kansas, *appellant* left the teleconference for approximately 20-25 minutes to get breakfast. When he returned he became impatient with the conference and made an obscene gesture directed at the telephone in view of his employees. Approximately two weeks later when in a meeting with his supervisor, *appellant* again became impatient and made the same obscene gesture toward his supervisor when the supervisor had his back turned toward *appellant*. Again, *appellant's* employees observed the gesture. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
9. **Name Removed**, 3-day suspension *withdrawn*
Kansas Department of Corrections
Parole Officer. *Appellant* engaged in sexual harassment in the workplace when he grabbed a female employee on the buttocks. He withdrew his appeal prior to the scheduled hearing.
10. **Name Removed**, dismissal *withdrawn*

Kansas Department of Corrections

Parole Officer I. *Appellant* was dismissed for committing sexual harassment in the workplace. He made inappropriate comments about the appearance of his female co-workers, he made sexually explicit remarks about his and their sex lives, and he grabbed two female co-workers on their buttocks. After the completion of the state's evidence, *appellant* entered a settlement agreement with the agency and withdrew his appeal.

11. **Name Removed**, 5-day suspension *under advisement*
Kansas Highway Patrol
Trooper. *Appellant* observed his neighbor behaving in a drunk and disorderly manner one evening as *appellant* was leaving his home to begin his duty shift. He observed his neighbors behavior for approximately 5 minutes from his patrol cruiser before asking the neighbor to come over to the cruiser. He then asked the neighbor to get into the front passenger side of the cruiser. He spoke with the neighbor for approximately 15 minutes inside the cruiser and repeatedly told him that he would be arresting the neighbor for drunk and disorderly conduct. He then allowed the suspect to leave the cruiser, return to his home, then return to the front passenger seat of the cruiser. He then drove the neighbor to the KHP officers for processing, then to the Shawnee County Jail to be booked in. *Appellant* violated KHP officer safety policy by failing to frisk the suspect and handcuff the suspect while he was in the cruiser and allowing the suspect to leave the cruiser and return to the home after he was told that he was being detained. The matter was taken under advisement until the deposition testimony of the appointing authority can be provided to the Board.
12. **Name Removed**, dismissal *affirmed*
Kansas Department of Transportation
Research Analyst III. *Appellant* received two unsatisfactory performance evaluations within 180 days. He had more than adequate counseling and assistance to improve his work performance and continued to perform poorly. The agency went far beyond what was necessary to help *appellant* be successful with his employment and yet he continued to turn in inaccurate and untimely assignments. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
13. **Name Removed** dismissal *withdrawn*
Kansas University Medical Center
Custodial Worker. Poor work performance. *Appellant* withdrew his appeal prior to the scheduled hearing.
14. **Name Removed**, dismissal *affirmed*
Hutchinson Correctional Facility
Corrections Specialist I. *Appellant* was assigned to the night shift on the segregation unit. His duties included performing rounds ever 30 minutes and counts every 2 hours. Rounds require that the officer assure that the inmates are alive and well. Counts require that the officer see the skin of each inmate to ensure that each is in his assigned cell. *Appellant* failed to make a proper round as required at 3:00 am. Instead, he escorted the nurse while she handed medication to four of the thirty-four inmates. He didn't check on the welfare of the other thirty. He also failed to make a count at 3:30 as was required. Instead he listened to voices and marked down the count without seeing the skin of the inmates. An inmate committed suicide sometime between 11:30 pm and 4:00 am and because *appellant* failed to conduct proper rounds and counts the facility was unable to determine when the inmate was last know to be alive. After hearing all of the evidence,

the Board determined that the decision of the appointing authority was reasonable.

15. **Name Removed**, 3-day suspension *withdrawn*
The University of Kansas
Animal Science Technician I. *Appellant* performed non-university work on university property, used university facility's for non-university purposes, was repeatedly late for work and meetings, failed to file timely time sheets and failed to follow reasonable supervisory directives. *Appellant* withdrew her request for a hearing prior to the scheduled hearing date.
16. **Name Remvoed**, 1-day suspension *affirmed*
Kansas Neurological Institute
Mental Retardation Technician II. *Appellant* used excessive amounts of unscheduled leave and was repeatedly late for her shift. She was verbally counseled several times, received written warnings and received a written reprimand for her continued absenteeism and tardiness, and yet the behavior continued. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
17. **Name Removed**, demotion *withdrawn*
Topeka Juvenile Correctional Facility
Juvenile Correctional Officer II. *Appellant* was demoted to a Juvenile Correctional Officer I for abuse of time and leave and for leaving the facility during his shift without proper authorization. *Appellant* withdrew his request for a hearing prior to the hearing.
18. **Name Remvoed**, dismissal *affirmed*
Kansas Department of Health and Environment
Chemist II. *Appellant* engaged in inappropriate and sexually harassing behavior in the workplace. On multiple occasions dating back to 1993, *appellant* fondled his genitals in front of his female coworkers. He was repeatedly counseled about this inappropriate behavior. However, *appellant* maintained that he had a medical condition that required him to engage in this behavior and refused to acknowledge that it was offensive to his coworkers and refused to excuse himself to the men's restroom when he felt the need to engage in these behaviors. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
19. **Name Removed**, dismissal *affirmed*
Kansas Department of Social and Rehabilitation Services
Economic and Employment Specialist I. *Appellant* engaged in sexual harassment in the work place with co-workers and clients. He also used his position to on at least two occasions to assist clients in getting more benefits than they were entitled to. He financially gained from these situations and refused to cooperate with the agency's investigation. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
20. **Name Remvoed**, 5-day suspension *withdrawn*
Atchison Juvenile Correctional Facility
Juvenile Correctional Officer II. *Appellant* allowed an officer in training to put his hands

on an angry juvenile offender and place that offender in restraints without proper training in violation of agency policy. *Appellant* also failed to timely report inappropriate behavior between another officer and an offender. *Appellant* withdrew his request for a hearing prior to the scheduled hearing date.

B. Cases Filed Between October 15, 2003 and January 15, 2004:

1. *Name Removed*, Department of Transportation, filed October 20, 2003
2. *Name Removed*, Department of Human Resources, filed October 21, 2003
3. *Name Removed*, Atchison Juvenile Correctional Facility, filed October 23, 2003
4. *Name Removed*, Department of Corrections, filed October 27, 2003
5. *Name Removed*, Social and Rehabilitation Services, filed October 28, 2003
6. *Name Removed*, Social and Rehabilitation Services, filed October 31, 2003
7. *Name Removed*, Osawatomie Correctional Facility, filed November 4, 2003
8. *Name Removed*, Highway Patrol, filed November 6, 2003
9. *Name Removed*, Department of Corrections, filed November 10, 2003
10. *Name Removed*, Department of Human Resources, filed November 17, 2003
11. *Name Removed*, Human Rights Commission, filed November 18, 2003
12. *Name Removed*, Department of Health and Environment, filed November 18, 2003
13. *Name Removed*, Department of Revenue, filed November 18, 2003
14. *Name Removed*, Social and Rehabilitation Services, filed December 1, 2003
15. *Name Removed*, Atchison Juvenile Correctional Facility, filed December 5, 2003
16. *Name Removed*, Department of Transportation, filed December 11, 2003
17. *Name Removed*, Board of Emergency Medical Services, filed December 17, 2003
18. *Name Removed*, Department of Transportation, filed January 8, 2004
19. *Name Removed*, Lansing Correctional Facility, filed January 13, 2004
20. *Name Removed*, Lansing Correctional Facility, filed January 14, 2004

C. Cases Still To Be Heard:

1. *Name Removed*, dismissal, Social and Rehabilitation Services, set 3/16/04
2. *Name Removed*, 2-day suspension, Lansing Correctional Facility, set 3/1/04
3. *Name Removed*, 3-day suspension, Highway Patrol, set 2/5/04
4. *Name Removed*, 20-day, Atchison Juvenile Correctional Facility, set 2/19/04
5. *Name Removed*, dismissal, Atchison Juvenile Correctional Facility, set 2/17/04
6. *Name Removed*, dismissal, Highway Patrol, set 1/22/04
7. *Name Removed*, dismissal, Board of Emergency Medical Services, set 2/3/04
8. *Name Removed*, demotion, Department of Transportation, set 2/19/04
9. *Name Removed*, dismissal, Ellsworth Correctional Facility, set 4/20/04
10. *Name Removed*, dismissal, Atchison Juvenile Correctional Facility, set 2/4/04
11. *Name Removed*, dismissal, Department of Revenue, set 4/22/04
12. *Name Removed*, 2-day suspension, Social and Rehabilitation Services, set 2/16/04
13. *Name Removed*, dismissal, Highway Patrol, set 2/18/04
14. *Name Removed*, dismissal, Department of Corrections, set 3/4/04
15. *Name Removed*, dismissal, Department of Health and Environment, set 4/8-9/04
16. *Name Removed*, 3-day, Larned Correctional Facility, set 4/7/04
17. *Name Removed*, dismissal, Social and Rehabilitation Services, set 3/18/04
18. *Name Removed*, dismissal, Topeka Correctional Facility, set 3/3/04

19. *Name Removed*, dismissal, Department of Human Resources, set 3/17/04
20. *Name Removed*, dismissal, Lansing Correctional Facility, set 2/20/04
21. *Name Removed*, dismissal, Department of Transportation, set 4/21/04

D. Statistics for Completed Cases:

1. Dismissals: 11
2. Demotions: 1
3. Suspensions: 8
4. Other: 0

1. Affirmed: 8
2. Reversed: 0
3. Modified: 0
4. Dismissed: 0
5. Withdrawn: 11
6. Under Advisement: 1

1. Department of Corrections: 5
2. Social and Rehabilitation Services: 4
3. Juvenile Justice Authority: 3
4. University of Kansas: 3
5. Department of Transportation: 2
6. Health and Environment: 1
7. Highway Patrol: 1
8. Human Resources: 1